

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LATASHA R. ARMSTEAD,

Plaintiff,

-vs-

Case No. 16-CV-556

**CO PLATO and
SGT. ZIEGLER,**

Defendants.

ORDER

Latasha R. Armstead, a Wisconsin state prisoner who is representing herself, filed an action under 42 U.S.C. § 1983, alleging her civil rights were violated. This matter is before the Court on the plaintiff's motion requesting that she be allowed to pay the \$350 filing fee with funds from her release account. (ECF No. 9.)

The Prison Litigation Reform Act (PLRA) requires the Court to collect the filing fee from a "prisoner's account." 28 U.S.C. § 1915(b). The term "prisoner's account" encompasses both a prisoner's release account and general account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). However, "given the purpose of the release account to provide funds to the prisoner upon his or her release from incarceration, the Court does not deem it prudent to routinely focus on the release account as the

initial source of funds to satisfy the filing fee payment requirements of the PLRA.” *Smith v. Huibregtse*, 151 F. Supp. 2d 1040 (E.D. Wis. 2001). Nevertheless, upon request, the Court may allow a plaintiff to pay a filing fee, or a portion thereof, out of her release account. *Doty v. Doyle*, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).

On June 20, 2016, the Court ordered the plaintiff to pay an initial partial filing fee of \$4.46. The plaintiff asks that she be allowed to pay the full filing fee of \$350 using funds from her release account.

The Court will allow the plaintiff to pay the initial partial filing fee of \$4.46 from her release account. However, given the release account’s purpose of providing a plaintiff with money upon her release, the Court does not believe it is prudent to allow her to significantly deplete her release account by paying the full filing fee with those funds. Once the Court receives the initial partial filing fee from the plaintiff’s institution, it will enter an order allowing the plaintiff to pay the remainder of the fee over time.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT that the plaintiff’s request to pay the filing fee from her release account (ECF No. 9) is **GRANTED** in part.

IT IS ALSO ORDERED that the warden at Taycheedah Correctional Institution shall withdraw \$4.46 from the plaintiff's release account and forward that sum to the Clerk of this Court as payment for the initial partial filing fee in this action. Such payment is to be made by **August 8, 2016.**

IT IS FURTHER ORDERED that a copy of this order be sent to the warden of Taycheedah Correctional Institution.

Dated at Milwaukee, Wisconsin, this 7th day of July, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge